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ADM File No. 2010-13
MCR 6.001

Gentlemen, Ladies: This is an extraordinarily bad idea, both for individual criminal defendants and our society. Criminal discovery in the district court setting is already quite limited; this shuts the door on almost any attempt to provide exculpatory evidence early on in the felony prosecution procedure. If anything, broader discovery rules are needed – for both felonies and misdemeanors - not fewer.

As written, a felony defendant and counsel would have no access to *any* information – including police reports – prior to a preliminary examination. In that case, a preliminary examination would be necessitated simply to obtain information. This would have a profound impact on defenders' ability to represent clients and upon a defendant's right to enjoy Constitutional protections – not to mention the backup that would engulf our district courts.

A modest proposal: That discovery in felony cases becomes permissible immediately after arraignment on an indictment or information on a felony charge. I would suggest a similar revision regarding misdemeanors to allow discovery upon arraignment.

Both prosecutors and defenders should want more information, not less, at every stage of a criminal prosecution.

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